

**Title 11—DEPARTMENT OF  
PUBLIC SAFETY  
Division 10—Adjutant General  
Chapter 7—Missouri Military Family  
Relief Fund**

**EMERGENCY RULE**

**11 CSR 10-7.010 Missouri Military Family Relief Fund**

*PURPOSE: This rule prescribes guidelines as required by section 41.216, RSMo, to administer the Missouri Military Family Relief Fund, which provides an opportunity to receive donations from individuals or corporations and also on standard individual income tax forms, to allow taxpayers to contribute to the Missouri Military Family Relief Fund. It provides the Adjutant General with the power to make grants from the fund to members and families of the Missouri National Guards or to Reserve component members and families who are Missouri residents and were called to active military service as a result of the September 11, 2001, terrorist attacks.*

*EMERGENCY STATEMENT: This emergency rule establishes the Missouri Military Family Relief Fund. This emergency rule is necessary because of the compelling governmental interest, to provide financial assistance grants to members and families of the Missouri's National Guard and Missouri residents who are members of the reserve forces of the United States and have been called to active duty as a result of the September 11, 2001, terrorist attacks. The program will be funded fully from donations received and will fund family assistance grants to families of eligible National Guard and reserve personnel on a quality of life and medical needs basis. Due to the large number of Missouri National Guard and Reserve Component members serving on active duty and the difference in military pay versus civilian pay, many families are hard pressed to meet family living and medical expenses during the military active duty period thus making the earliest program start-up date critical. Implantation of an emergency rule will ensure that the Missouri Military Family Relief Fund is distributed in the timeliest and efficient manner and that Missouri understands the unique needs of military families while their loved ones are providing patriotic service to our State and Nation. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Administrative Rules Division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed September 19, 2005, effective September 29, 2005 and expires March 27, 2006.*

(1) Definitions as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Adjutant General—as defined in Chapter 41, *Revised Statutes of Missouri*, section 41.110 and all amendments thereto;

(B) Families of members – A husband, wife, child, mother, father, brother, sister, or other person who has been approved as a dependent and is enrolled in the Defense Enrollment Eligibility Reporting system (DEERS) in accordance with applicable military regulations. A custodial parent or guardian of a member's dependent may apply for a grant on behalf of that dependent.

(C) Interested Party – Non-family member granted power of attorney by the service member.

(D) Active Duty – Military service performed as State Active Duty under RSMo 41.480 and/or 44.415; military service performed under the provisions of Title 32, United States Code; or military service performed under the provisions of Title 10, United States Code.

(E) Reserve Component – Reserve forces of the United States; Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve, Naval Reserve.

(F) Duty as a result of September 11, 2001 – Title 10 or Title 32 active duty service of a minimum of 30 consecutive days, directly related to the President's Partial Mobilization Authority in response to the terrorist attacks (currently referred to as Operation Noble Eagle, Operation Iraqi Freedom and Operation Enduring Freedom); any future operations as determined by the President; or any future operations as determined by the Governor of Missouri.

(G) Missouri Military Family Relief Fund (MMFRF) – as defined in Chapter 41, *Revised Statutes of Missouri*, Section 41.218 and all amendment's thereto;

(H) Review Panel – a Command Sergeants Major of the Missouri National Guard, an active or retired Command Sergeants Major of a Reserve Component or its equivalent and a representative of the Missouri Veteran's Commission.

(I) MMFRF Coordinator – Individual appointed by the Adjutant General to serve as recorder for the Review Panel and to execute administrative functions relative to the Missouri Military Family Relief Fund.

(J) Quality of Life and Medical Based Grants (QLMBG) – grants for generally accepted living expenses; housing, transportation, utilities, repairs, groceries, etc. This grant excludes luxury items such as cable TV, cell phones, vacations, alcohol, etc.

(2) Determination of Eligibility for Quality of Life and Medical Based Grants (QLMBG). The grant applicant must show proof of the following:

(A) He or she is a member of the Missouri National Guard or a Missouri resident who is a member of another Reserve Component branch, applying on behalf of his or her family,

- (B) Or is a family member of that service member, or has been given power of attorney by the service member. Proof of residency for military members will consist of information obtained from DEERS. Proof of a familial relationship will also consist of information obtained from DEERS.
  - (C) The Missouri National Guard or Reserve Component member was on active military duty for at least 30 consecutive days as a result of the September 11, 2001 terrorist attacks. Proof of active duty will consist of a copy of the orders issued by an authorized headquarters ordering the member to such duty, and documentation showing that such duty was actually performed. Eligible active duty includes any active duty since September 11, 2001.
  - (D) The Missouri National Guard or Reserve Component member has been off Title 10 or Title 32 orders in support of the Global War on Terrorism for less than 120 days if applying for a grant after release from active duty.
  - (E) A copy of a payroll record from the member's civilian employer that indicates member's monthly salary plus a copy of a military leave and earnings statement (LES) that indicates the member's monthly salary.
  - (F) Proof that the member or family member has incurred or is about to incur a specific monetary expense relating to clothing, food, housing, utilities, medical services, medical prescriptions, insurance or vehicle payments. Such proof shall include, but is not limited to a copy of a bill, invoice, estimate, cancellation notice, or any other similar record.
  - (G) A signed statement that the grant request is for the purpose identified in the application and that the grant funds will be used for the purposes requested.
  - (H) The Missouri National Guard or Reserve Component member holds a pay grade no higher than O-3, if a commissioned officer, or W-2, if a warrant officer. Individuals or families will be eligible for the grant based upon rank at the time of the mobilization. Proof of pay grades will consist of information obtained from DEERS.
  - (I) If a custodial parent or guardian is applying for a grant on behalf of a member's dependant, then the custodial parent or guardian must provide proof of guardianship of a member's dependant currently enrolled in DEERS.
  - (J) The Adjutant General is authorized to waive the requirements in subsection (H) upon a written request indicating the circumstances justifying such a waiver, and upon proof that there has in fact been some decrease from the member's civilian salary. Such circumstances include, but are not limited to, death, injury or incapacity of the member, long-term deployment of the member and unexpected expenses incurred by the member's family. The Adjutant General may use discretion in granting or denying such requests.
- (3) The following members are ineligible to receive QLMBG:
- (A) All commissioned and warrant officers with pay grades of O-4 and W-3, or higher;
  - (B) Personnel serving in Active Guard/Reserve (AGR) or similar full-time unit support programs unless called to Title 10 service; or a change in Title 32 due to the September 11, 2001 terrorist attacks.
  - (C) Members who, at any time prior to the disbursement of funds pursuant to a grant application under this Section, receive a punitive discharge or an administrative discharge with service characterized as Under Other Than Honorable Conditions.
- (4) QLMBG Levels and Limits
- (A) Payments to a Missouri National Guard or Reserve Component service member or their family shall be determined in accordance with MMFRF Standing Operating Procedures (SOP).
  - (B) If a grant payment is to be used for the purpose of payments for food, housing, utilities, it shall be noted on the application and this information shall be sent to the State Fiscal Resources Office when a payment request is granted. These payments shall be identified as responsive to health and welfare issues.
  - (C) All grants will be paid directly to the applicant. Payments will not be made directly to creditors.
- (5) Application and Documentation,
- The rules governing the acceptance of applications are as follows:
- (A) To receive consideration for a grant, applicants must request and submit an application provided by the MMFRF Coordinator.
  - (B) All necessary documentation, as stated in Section (2), must be included with the application, unless otherwise provided under DEERS, and the applicant shall authorize access to DEERS for purposes of verification.
  - (C) Incomplete applications will be returned to the applicant.
  - (D) The MMFRF Coordinator, upon receipt of a complete original application, will verify required information under DEERS and will then process the information for payment. The application shall be processed in an expeditious manner.
- (6) Payments
- (A) Payment will be made to the applicant who has met all eligibility requirements under Section (2).
  - (B) The timeliness of payment will be determined by the amount of funds available at the time of application.
  - (C) If adequate funds are not available, the application will be held in a queue until funds are available.
- (7) Denials
- (A) Grant applications from those not meeting eligibility requirements will be denied.
  - (B) A letter explaining the denial, as well as providing additional sources of available relief, will be sent to the applicant by the MMFRF Coordinator within 30 days after receipt.
- (8) Appeals
- (A) Applicants may appeal decisions in writing within 30 days of denial letter by stating the bases for the reconsideration. Send all appeals to the MMFRF Coordinator.
  - (B) The Adjutant General is the final appeal authority.
- (9) Reporting Requirements
- (A) As outlined in the MMFRF SOP

*AUTHORITY: section 42.216, RSMo Supp. 2004 Original rule filed **Sept. 19, 2005**, effective **March 27, 2005**. Emergency Rule filed **September 19, 2005**, effective **September 29, 2005**. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*